

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

BLACKSTONE REALTY INVESTORS, LLC.,) 3:09-cv-00189-ECR-RAM
)
Plaintiff,) MINUTES OF THE COURT
)
vs.) DATE: August 29, 2011
)
MICHAEL B. STEWART, individually)
and as Trustee of the Michael B.)
Stewart Living Trust; HIGH ROCK)
HOLDING, LLC, ORIENT FARMS, LLC;)
H2O, INC.; WHITE PAPER, LLC;)
EMPIRE FARMS, LLC; GRANITE)
INVESTMENT GROUP, LLC; TAHOE ROSE,)
LLC; SIERRA ROSE, LLC; HONALO KAI,)
LLC; CLEARWATER PROPERTIES, LLC;)
and DOES 1 through 60, inclusive,)
)
Defendants.)
_____)

PRESENT: _____ EDWARD C. REED, JR. _____ U. S. DISTRICT JUDGE

Deputy Clerk: _____ COLLEEN LARSEN _____ Reporter: _____ NONE APPEARING

Counsel for Plaintiff(s) _____ NONE APPEARING

Counsel for Defendant(s) _____ NONE APPEARING

MINUTE ORDER IN CHAMBERS

On March 8, 2011, Defendants filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction (#106). Defendants argued that this action must be dismissed because all Defendants are citizens of the State of Nevada, and Plaintiff Blackstone Realty Investors, LLC ("Blackstone Realty") is also a citizen of the state of Nevada.

Plaintiff Blackstone Realty is an entity formed in the State of Delaware. However, Tom Gonzales, the managing member of Blackstone Realty, is a citizen of Nevada. The Ninth Circuit has held that "an LLC is a citizen of every state in which its owner/members are citizens." Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006).

On March 23, 2011, Plaintiff Blackstone Realty filed its response (#111) to Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction (#106). In its response, (#111), Plaintiff conceded that Johnson is dispositive, and that Plaintiff find no authority to the contrary. Plaintiff concluded by stating that "Blackstone reserves its right to recommence the action in state district court under NRS 11.500."

IT IS, THEREFORE, HEREBY ORDERED that Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction (#106) is **GRANTED**. The remaining pending motions (## 80, 105, 110) are **DENIED** as moot.

The Clerk shall enter judgment accordingly.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk